

07 CV 7077

JUDGE STONE

Keith B. Dalen (KD-4997)
Andrew R. Brown (AB-1644)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE RICE COMPANY,

Plaintiff,

vs.

EXPRESS SEA TRANSPORT CORPORATION,

Defendant.

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: Index No.:
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: **BROWN AFFIRMATION**
: **PURSUANT TO ADMIRALTY &**
: **MARITIME RULE B**
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I Andrew R. Brown, hereby affirm as follows:

1. I am an associate of Hill Rivkins & Hayden LLP, attorneys for Plaintiff herein and admitted to practice before this Honorable Court.
2. This Affirmation is submitted pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.
3. Based upon the results of my investigation as set forth herein, I am firmly convinced that the defendant, Express Sea Transport Corporation, is a corporation

or other business entity which cannot be "found" within this District for the purpose of an attachment under Rule B.

4. I contacted the office of the New York Department of State, Division of Corporations on August 8, 2007, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for corporations named "Express Sea Transport Corporation". The search result indicated that it is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or foreign corporation.

5. I consulted with Directory Assistance for New York on August 8, 2007 for area codes (212), (718), (914), (646), and toll-free listings and no listing for Express Sea Transport Corporation was located.

6. I reviewed the Transportation Telephone Tickler business directory, 2006 Edition (Vol. 1 New York Metropolitan Area), published by the Journal of Commerce, and no listing was found for Express Sea Transport Corporation.

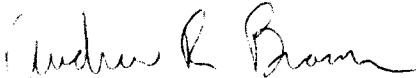
7. I accessed on August 8, 2007, through Microsoft Internet Explorer and Google Search engines the Yellow Pages telephone directory database and found no listing in that database for any office or agent of Express Sea Transport Corporation in the State of New York.

8. I accessed the Google search engine and conducted a search for Express Sea Transport Corporation. In this manner I found Express Sea Transport Corp.'s website (<http://www.estc.gr/contact.htm>). As is apparent from the information posted on Express Sea Transport's website, their sole location is 3 Iassonos Street, Piraeus 185 37, Greece—an address significantly removed from the Southern District of New York.

9. Based upon the foregoing, it is respectfully submitted that defendant Express Sea Transport Corporation cannot be "found" within this District within the meaning of Rule B, thus, justifying issuance of an order of attachment against the assets of Defendant Express Sea Transport Corporation as may be found within this District up to and including the amount of the claim as specified in the Verified Complaint.

I hereby confirm under the penalty of perjury that the foregoing is true and correct.

Dated: August 9, 2007



Andrew R. Brown (AB-1644)